

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:17-CV-195-MOC-DCK**

**JAMES EDWARD MCCONNELL and)
KIM MCCONNELL,)
Plaintiffs,)
v.)
WATAUGA COUNTY, NORTH)
CAROLINA, et al,)
Defendants.)**

) ORDER

THIS MATTER IS BEFORE THE COURT on “Plaintiffs’ Motion For Leave To File Under Seal Defendant Rominger’s Reply And Memorandum In Opposition To Defendants’ Motion For Summary Judgment” (Document No. 78) filed March 24, 2019, and “Defendants’ Motion To File Their Reply In Support Of Their Motion For Summary Judgment Under Seal” (Document No. 83) filed April 1, 2019. These motions have been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate.

Having carefully considered the motions and the record, and noting that the parties have indicated they do not oppose each other’s motion, the undersigned will grant the motions.

A party who seeks to seal any pleading must comply with the Local Rules of this Court. Local Civil Rule(“LCvR”) 6.1 provides in relevant part as follows:

LCvR. 6.1 SEALED FILINGS AND PUBLIC ACCESS.

(a) *Scope of Rule.* To further openness in civil case proceedings, there is a presumption under applicable common law and the First Amendment that materials filed in this Court will be filed unsealed. This Rule governs any party’s request to seal, or otherwise restrict public access to, any materials filed with the Court or used in connection with judicial decision-making. As used in this

Rule, “materials” includes pleadings and documents of any nature and in any medium or format.

(b) *Filing under Seal.* No materials may be filed under seal except by Court order, pursuant to a statute, or in accordance with a previously entered Rule 26(e) protective order.

(c) *Motion to Seal or Otherwise Restrict Public Access.* A party’s request to file materials under seal must be made by formal motion, separate from the motion or other pleading sought to be sealed, pursuant to LCvR 7.1. Such motion must be filed electronically under the designation “Motion to Seal.” The motion must set forth:

- (1)** A non-confidential description of the material sought to be sealed;
- (2)** A statement indicating why sealing is necessary and why there are no alternatives to filing under seal;
- (3)** Unless permanent sealing is sought, a statement indicating how long the party seeks to have the material maintained under seal and how the matter is to be handled upon unsealing; and
- (4)** Supporting statutes, case law, or other authority.

To the extent the party must disclose any confidential information in order to support the motion to seal, the party may provide that information in a separate memorandum filed under seal.

Local Rule 6.1.

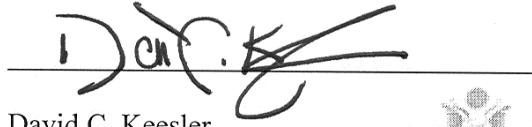
It appears that the requirements of Local Rule 6.1(c)(1) through (4) have been adequately satisfied. Having considered the factors provided in Local Rule 6.1(c), the Court will grant the motions to seal. Noting that the time for public response has not run as to these motions, the Court will consider any objection to this Order as an objection to the motions, requiring no additional burden for any non-party under the Federal Rules of Civil Procedure. See Local Rule 6.1(e).

CONCLUSION

IT IS, THEREFORE, ORDERED that “Plaintiffs’ Motion For Leave To File Under Seal Defendant Rominger’s Reply And Memorandum In Opposition To Defendants’ Motion For Summary Judgment” (Document No. 78) is **GRANTED**.

IT IS FURTHER ORDERED that “Defendants’ Motion To File Their Reply In Support Of Their Motion For Summary Judgment Under Seal” (Document No. 83) is **GRANTED**.

Signed: April 2, 2019



David C. Keesler
United States Magistrate Judge
